



THIS SENTENCE WAS CARRIED OUT AND IS NOW BEING CARRIED OUT BY THE MICHIGAN DEPARTMENT OF CORRECTIONS AND IS BEING DONE TO BASED ON REASONS THAT ARE AGAINST THE PETITIONER WILL.

THE PETITIONER IS SERVING A SENTENCE THAT IS OUTLAWED THROUGH A FEDERAL PLEA TO A NO CONTEST CONTEST BECAUSE OF THE RETAL ADVISE SUBMITTING BY THIS PETITIONER AND FORCED TO DO WHATEVER IT TOOK TO GET OUT OF THE WAYNE COUNTY JAIL.

PETITIONER IS ATTACKING THE JUDGMENT OF SENTENCE AND JUDGMENT OF CONVICTION OF THE WAYNE COUNTY CIRCUIT COURT FOR THE SENTENCE FORGED DATED OCTOBER 22, 2000 AND IS ATTACKING THE CIRCUMSTANCES SURROUNDING PETITIONERS REASONS AND COUNSEL FOR TAKING THE NO CONTEST PLEA WHERE IT WAS NOT AN ADMISSION OF GUILT, HOWEVER, THE FACT THAT IS GUILT OF PETITIONER WAS EVER ESTABLISHED AND YET, A SENTENCE WAS DONE, CONTRARY TO PETITIONERS RIGHT TO FAIR TRIAL AND FAIR JUDICIAL PROCESS IS LAW.

THIS IS A CASE WHERE THE PETITIONER IS ATTACKING THE JUDGMENT AND SENTENCE AND CIRCUMSTANCES SURROUNDING THE ACTION WHICH WAS BROUGHT AGAINST PETITIONER AND THE FACT THAT THE RESPONSIBILITIES NOT PETITIONED IN THE POSITION OF TAKING A FORGED COURT AGREEMENT, AS STATED IN THE TRANSCRIPT, AND THE SENTENCE OF OCTOBER 22, 2000 THIS SENTENCE TOOK PLACE.

PETITIONER STATES THAT THERE ARE NO OTHER MATTERS PENDING IN ANY STATE COURT OR FEDERAL COURT RELATED TO THE SENTENCE AND CONVICTION.

PETITIONER WAS CONVICTED AND SENTENCED UNDER PUBLIC ACT 2000-00000-01 WAYNE COUNTY CIRCUIT COURT AND SENTENCED UNDER TWO COUNTS OF KIDNAPPING AND RECEIVED 2 1/2 TO 15 YEARS IN THE STATE PRISON SYSTEM AND IS BEING HELD AGAINST THE WILL OF PETITIONER WAS IN VIOLATION OF THE LAWS OF THE UNITED STATES CONSTITUTION AND TREATIES OF THE UNITED STATES AND IN VIOLATION OF FEDERAL RULING HELD BY THE U.S. SUPREME COURT.

PETITIONER IS HELD AGAINST HIS WILL BECAUSE OF JUDICIAL OFFICER COUNSEL RYAN'S DECISION-MAKING WHICH LED TO PETITIONERS BEING HELD CONTRARY TO CLEARLY ESTABLISHED LAWS OF THE UNITED STATES OF AMERICA AND THE STATE OF MICHIGAN.

PETITIONER WAS APPOINTED APPEAL COUNSEL ERIC LAWRENCE UNTIL 1100 OCTOBER 2000, PUTH 100, THEN, IN ORDER TO EFFECT AN APPLICATION FOR LEAVE TO APPEAL.

THIS APPLICATION FOR LEAVE TO APPEAL THE CAPITAL CHARGES OF KIDNAPPING AND CRIMINAL SEXUAL CONTACT WAS FILED IN THE MICHIGAN COURT OF APPEALS AND CONTAINED TWO ISSUES FILED BY APPEAL COUNSEL. THE ISSUES RAISED WERE FAILURE TO GIVE PETITIONER 60 DAYS JAIL CREDIT FOR FAILURE TO DETERMINE IF PETITIONER COULD PAY THE COSTS, FINE AND FEE IMPROVED BY JUDGE RYAN.

THESE WERE THE ONLY TWO ISSUES RAISED BY APPEAL COUNSEL 11/1/2000 WHERE THE PETITIONER IS SERVING 2 1/2 TO 75 YEARS IN PRISON.

SECTION FOR RECONSTITUTION SEE DETAIL 420.

**THE UNIVERSITY OF CHICAGO**

P.C. 11. 187115

THE PETITIONER STATES THAT SHE AND OTHER PRISONERS WHO HAVE BEEN CONVICTED OF CRIMES IN THE STATE OF MISSISSIPPI HAVE BEEN CONFINED IN THE MISSISSIPPI STATE PRISON SINCE THEY WERE CONVICTED OF THE CRIME OF STATE PRISON. THE PETITIONER STATES THAT SHE HAS BEEN CONFINED IN THE MISSISSIPPI STATE PRISON SINCE SHE WAS CONVICTED OF THE CRIME OF STATE PRISON. THE PETITIONER STATES THAT SHE HAS BEEN CONFINED IN THE MISSISSIPPI STATE PRISON SINCE SHE WAS CONVICTED OF THE CRIME OF STATE PRISON.

PLEASE ENTER THE ATTACHED COPY IN SUPPORT OF THE PETITION FOR HABEAS CORPUS AND GRANT THE RELIEF THAT PETITIONER IS ENTITLED TO WHICH IS TO URGENTLY RECONSIDER AND REVOKE THE SENTENCE AND REPEAL ALL CRIMINAL CHARGES WITH PENITENCE CASES UNDER THE CONSTITUTIONAL RIGHTS VIOLATIONS COMMITTED BY MISSISSIPPI AND REVOKE THIS CASE FROM THE PETITIONER'S RECORDS AND IN THE ACKNOWLEDGMENT OF THE PETITIONER'S RIGHTS BEING VIOLATED AND THAT VIOLATION BEING RECOGNIZED.

GRANT ANY FURTHER RELIEF THAT MAY BE NECESSARY AND APPROPRIATE.

RESPECTFULLY REQUESTED,



T. J. BRYCE  
 425001-1-1076  
 ST. LOUIS CORRECTIONAL FACILITY  
 1400 N. GOSWELL ROAD  
 ST. LOUIS, MI 48200

BRIEF IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS CORPUS  
STATEMENT OF QUESTIONS PRESENTED  
ARGUMENTS AND RELIEF REQUESTED

ISSUE I: THE TRIAL COURT JUDGE DANIEL RYAN FAILS TO GRANT MY REQUEST FOR CHANGE OF VENUE MOTION BASED UPON THE FOX 2 NEWS CHANNEL AILING CRUCIAL EVIDENCE IN THE CASE OF THE ALLEGED CRIME BEING COMMITTED BY THIS DEFENDANT WHEN IN DOING SO, DENIED DEFENDANT ANY OPPORTUNITY TO REVIEW THE EVIDENCE AND ALSO PREJUDICED DEFENDANT IN THE EYES OF THE JURY AND WITH THE PUBLIC HEARING SUCH ALLEGED MATERIAL, DID IN FACT DENY DEFENDANT THE OPPORTUNITY TO MAKE A DECISION TO HAVE A FAIR TRIAL IN THE WAYNE COUNTY CIRCUIT COURT AS THAT DEFENDANT COULD NOT GET A FAIR TRIAL. DEFENDANT HAD NO OTHER CHOICE EXCEPT TO ENTER A NO-CONTEST PLEA BASED UPON THE DECISION MAKING THAT FAVORED THE PROSECUTION AND NOT DEFENSE AS THAT THE DEFENDANT KNEW THAT HE WOULD IN NO WAY RECEIVE A FAIR TRIAL BASED UPON THE ERRONEOUS DECISION-MAKING BY JUDGE RYAN.

ISSUE II:

THE COURT SHOULD DISMISS THE CONVICTION AND SENTENCE WITH PREJUDICE BASED UPON THE PROSECUTION AND 36TH DISTRICT COURT JUDGE NANCY MOUNT ISSUING AN ORDER TO RAISE BOND CONTRARY TO DEFENDANT'S CONSTITUTIONAL RIGHTS WHEN THE ONLY BOND THAT WOULD BE CONSTITUTIONALLY VALID IS THE BOND OF "PERSONAL BOND" AS THAT THE BOND BEING SET AT \$150,000.00 WAS CONSTITUTIONALLY INVALID AS THAT DEFENDANT WAS INDIGENT AND WITHOUT ANY INCOME OR WORK TO PAY THE HIGHLY OUTRAGEOUS BOND WHICH FORCED ME TO REMAIN IN THE WAYNE COUNTY JAIL UNDER HORRIBLE CONDITIONS WHICH DENIED ME THE OPPORTUNITY TO EFFECTIVELY PREPARE AND RESEARCH MYCASE FOR LEGAL DEFENSE AND PREPARE A DEFENSE WHERE BECAUSE OF THE INHUMANE LIVING CONDITIONS, I WAS FORCED TO LIVE IN A COUNTY JAIL WHERE THERE IS NOISE 24 HOURS A DAY 7 DAYS A WEEK, SLEEP DEPRIVED AND FORCED TO GO TO BED AT 11:00PM AND AWAKEN AT 3:00AM FOR COURT DATES WITH NO SLEEP, AND FORCED TO BE KEPT APART FROM MY FAMILY, NO FRESH AIR, NO SUFFRINE, NO LEGAL DOCUMENTS, FORCED TO DEAL WITH NOISE THAT WAS HORRIBLY DONE ALL WITH THE INTENT AND PURPOSE OF CAUSING ME TO HAVE SLEEP DEPRIVATION AND EVEN THOUGH I AS REPRESENTATIVE MYSELF IN THE CASE, I WAS NOT GIVEN THE PROPER MATERIALS OR TIME TO FULL RESEARCH MY CASE AS AN IN PROPER REPRESENTATIVE IS ALLOWED TO. I WAS DENIED THE PROPER FOOD, SLEEP, AND THE VICTIM OF MENTAL ABUSE WHICH WAS ALL DONE IN ORDER TO ALLOW THIS DEFENDANT TO NOT HAVE A FAIR TRIAL AND NOT BE OF FULL SOUND AND MIND AND BE 100% EFFECTIVE ALL BECAUSE OF THE HORRIBLE LIVING CONDITIONS THAT I WAS FORCED INTO AGAINST MY WILL AND BECAUSE OF THE FACT THAT I COULD NOT GET ANY SLEEP WITH THE NOISE AND THE OFFICERS RAISING OF THE STUPEL AND THE IMPATES

FEELING 24 HOURS A DAY AND ALL NIGHT, AND THE WAYNE COUNTY SHERIFF'S DEPARTMENT OFFICERS CONTINUALLY WAKING ME UP EVERY SINGLE NIGHT WHEN THEY KNEW THAT I WAS CONFIDENTLY MYSELF AND THAT I WOULD NOT BE ABLE TO FULLY FUNCTION IN COURT AS I ARGUED ABOUT IN FRONT OF JUDGE RYAN WHO DIDN'T CARE.

THIS IS ALL BASED ON THE FACT THAT 20TH DISTRICT COURT JUDGE NANCY ALCHENT ORDERED MY BOND TO BE \$150,000.00 WHEN THERE WAS NO WAY THAT I COULD PAY FOR IT, CLEARLY IN VIOLATION OF MY CONSTITUTIONALLY PROTECTED RIGHT TO FAIR BOND WHEN BOND IS SUPPOSED TO BE EXCESSIVE, AS WAS DONE IN MY CASE. A MAN WHO DOES TEN YEARS IN PRISON GETS OUT WITH NO EMPLOYMENT AND THEN IS EXPECTED TO PAY THE HIGH BOND WHEN IN FACT, IT COULD NOT BE PAID, AND AS THAT THE BOND WAS HIGH, IT SHOWED THE UNFAIR AND DISCRETIONALLY ABUSIVE BEHAVIOR DONE BY JUDGE NANCY ALCHENT AND JUDGE RYAN WHO HAD THE AUTHORITY TO LOWER THE BOND BUT CHOSE NOT TO FOR REASONS THAT ARE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF MICHIGAN, AND DONE FOR THE PURPOSE OF ENSURING THAT DEFENDANT DOES NOT GO TO TRIAL BUT IN FACT FALLS INTO THE SAME TRAP AS EVERY OTHER DEFENDANT FALLS INTO, WHICH IS TO ENTER A PLEA AND THEN ALLEGEDLY HAVE IT WITHIN THE WHOLE PURPOSE IS TO GET OUT OF THE COUNTY JAIL AND THE HORRIBLE LIVING CONDITIONS THAT ARE IMPOSED BY THE WAYNE COUNTY SHERIFF'S DEPARTMENT, AS I ARGUED IN LEGAL COMPLAINT FILED BY DEFENDANT AGAINST THE WAYNE COUNTY SHERIFF WARREN EVANS IN CASE NUMBER 2:08-CV-11173, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN, AND RULED UPON ON MARCH 31, 2009. THE INTENTIONAL HOLDING OF DEFENDANT IN THE WAYNE COUNTY JAIL AND BEING FORCED TO BE THE VICTIM OF SLEEP DEPRIVATION IS A VIOLATION OF DEFENDANT'S 8TH AMENDMENT RIGHTS UNDER THE CONSTITUTION.

### ISSUE III:

THE COURT SHOULD DISMISS THE CONVICTION AND SENTENCE WITH PREJUDICE BASED ON THE ARGUMENT THAT THE PEOPLE OF THE STATE OF MICHIGAN USED COMPLAINANT'S TESTIMONY THAT WAS FALSE AND PERJURIOUS. DEFENDANT FILED MOTION TO DISMISS ALL CRIMINAL CHARGES AGAINST DEFENDANT AND FILED THIS MOTION TO THE DISTRICT COURT AND CIRCUIT COURT JUDGE DANIEL RYAN, WHO REFUSED TO DISMISS ALL CHARGES AS THAT THE ENTIRE CRIMINAL CASE WAS BASED ON FALSE AND PERJURIOUS TESTIMONY BEING MADE BY TINA COMARITTO WHICH SHEE WORE TO ON THE RIGHT IN QUESTION AND STATEMENTS SHE MADE TO DETROIT POLICE DEPARTMENT WHICH IS FALSE AND PERJURIOUS AS THAT TINA COMARITTO HAS KNOWINGLY LIED AND PROVIDED FALSE INFORMATION TO THE PROSECUTOR'S OFFICE TO SUPPORT THE CRIMINAL CHARGES OF KIDNAPPING, 28C ST. FOR WHICH DEFENDANT WAS CONVICTED OF AND SENTENCED TO 24 TO 75 YEARS FOR.

DEFENDANT SAYS THE ACCUSER, TINA COMARITTO SHOULD NOT HAVE BEEN BELIEVED AND AS SUCH, THE CRIMINAL CONVICTION, AND SENTENCE SHOULD BE REVERSED AND PERMANENTLY VACATED AND

DISMISSED WITHOUT PREJUDICE BASED ON THE GROUNDS AS FOLLOWS:

TINA ROMANITTO TESTIFIED OR SWORE TO THE DETROIT POLICE DEPARTMENT THAT SHE MET DEFENDANT ON THE NIGHT OF JANUARY 12, 2008. SHE SPOKE THIS WAS THE FIRST TIME ONE MET DEFENDANT. THIS IS FALSE AS THAT DEFENDANT HAS TO KEY ISSUES TO DISPUTE TINA ROMANITTO'S STATEMENT AND NOW SHE LIES AND HAS COMPLETELY LIED TO LAW ENFORCEMENT AND DISTRICT JUDGE WILLIE LIPSCOMB III ON JUNE 25TH IN 25TH OF 2008 AT DEFENDANTS 3 DAY PRELIMINARY EXAMINATION HEARING AND WHEN TINA ROMANITTO LIED DURING THIS HEARING, THE TWO WITNESSES I HAVE WHO WERE NOT HEARD BECAUSE OF JUDGE DANIEL EVANS ABUSE OF DISCRETION AND BECAUSE OF JUDGE WILLIE LIPSCOMB'S FAILURE TO SET THE TESTIMONY OF MY CREDIBLE WITNESS, AND NOW THAT TINA ROMANITTO LIED AND WHEN PROVEN WILL PROVE DEFENDANTS FACTUALLY BASED STATEMENT THAT SHE (TINA ROMANITTO) TARNISHED DEFENDANT AS A "RECENTLY RELEASED" CONVICTED OFFENDER.

THE DEFENSE TESTIMONY AND WITNESS WILL PROVE THAT TINA MET DEFENDANT AT 7:30PM ON JANUARY 8, 2008 AND NOT ON THE NIGHT OF THE CRIME. TINA SAID THAT SHE WOULD GET FANCY OFF OF ME AND GET SYMPATHY AND ATTENTION FROM OTHER PEOPLE BECAUSE OF ME, AND SHE GAVE ME HER BUSINESS CARD, WHICH SHE IS TRYING TO SAY WAS GIVEN TO ME ON THE NIGHT OF THE "ALLEGED ASSAULT" FOR WHICH I WAS CONVICTED AND SENTENCED. I SAY THAT TINA ROMANITTO IS LYING, AS CLEARLY AS SHE SAYS THAT I ATTACKED HER, I SAY SHE AND TINA AND SGT DAVID COVE FORCED ME AT CHECKPOINT TO DO WHAT THEY TOLD ME TO DO AND SAY WHAT THEY TOLD ME TO SAY.

I WAS DENIED THE RIGHT TO PRODUCE A WITNESS, WHO WILL CONFIRM THAT ON 1-8-08 TINA DID IN FACT MEET ME AND SET THIS UP AND GAVE ME HER CARD. THE WITNESS WAS PRESENT, CREDIBLE AND REAL AND HAD DEFENDANT NOT BEEN FORCED INTO THE PLEA BECAUSE OF THE HORRIBLE LIVING CONDITIONS AND THE FAILURE OF THE COURT TO SIDE WITH DEFENDANT ON ANY OUTRAGES WHATSOEVER, THEN THIS WITNESS WOULD HAVE BEEN ABLE TO HAVE BEEN PRESENTED AT TRIAL, BUT THAT RIGHT WAS FORGIVELY WAIVED BY THIS DEFENDANT SIMPLY TO GET OUT OF THE COUNTY JAIL AND GET SOME AIR AND SOME EXERCISE AND SOME SLEEP TO BATH IN MY THOUGHTS, BUT WAS PREVENTED FROM DOING SO BECAUSE OF THE HORRIBLE LIVING CONDITIONS I WAS IN WHILE PREPARING MY DEFENSE, AND THE TREATMENT OF THE TRIAL COURT JUDGE AND DISTRICT COURT, BUT THIS TESTIMONY FROM THE WITNESS I WISH TO PRESENT WILL SHOW TINA'S TESTIMONY IS FALSE AND THAT HER ENTIRE VERSION OF THE EVENTS ARE FALSE. THEREBY SUPPORTING THE REQUEST TO HAVE THE CONVICTION, SENTENCE AND CHARGES ALL DISMISSED WITH PREJUDICE BASED UPON THE VIOLATION OF THE 14TH AND VIOLATION OF DEFENDANTS CONSTITUTIONALLY PROTECTED RIGHTS.

ISSUE IV:

[illegible]

THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY PERMANENT RECORDS OF THE NATIONAL ARCHIVES AND IS BEING RELEASED WITHOUT LIMITATION ON THE RIGHTS OF ANY PARTY TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS ELECTRONIC OR MECHANICAL INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.





FILED IN MY FILE THAT A WARRANT SHOULD BE OBTAINED. WHEN THE JUDGE WOULD APPROVE THE WARRANT FOR MY ARREST? I SAY WAS IT ONE OF HIS WITNESSES TO CONVINCE A JUDGE TO ARREST ME WAS FOR PROBABLE CAUSE DETERMINATION. TO WHICH, I WAS SUPPOSED TO BE AFFORDED THE RIGHTS UNDER SON 6, 1928 BEFORE THE TESTIMONY OF A SINGLE WITNESS WAS PRESERVED TO PROTECT MYSELF. I SAY THAT I HAVE NOT HAD THE CHANCE TO CONVINCE ANY JUDGE MY LIFE FOR THE PROBABLE CAUSE HEARING OF THE VIOLATION OF SON 6, 1928.

[illegible][illegible]

THE ABOVE INFORMATION PROVIDED TO THE DISTRICT ATTORNEY IS ENTITLED TO  
PROTECT CONFIDENTIALITY EXCEPT WHERE INDICATED OTHERWISE THAT THE DISCLOSURE  
WOULD BE IN THE PUBLIC INTEREST. IN SUCH CASES, THE DISCLOSURE WILL BE MADE AS  
APPROPRIATE UNDER THE RULES OF THE COURT AND AS SUCH, ALL DISCLOSURE  
WILL BE MADE TO THE PUBLIC. THE FOLLOWING INFORMATION IS DISCLOSED WITH  
THE ABOVE QUALITY OF CONFIDENTIALITY.

1 WAS READY TO GO TO THE DEATH CHAMBER. THE DEATH CHAMBER WAS READY. AS  
1947 I WAS GOING TO APPROACH THE CHAIR, I SAW A MAN ALMOST IMMEDIATELY  
ASSIGNED BY PRELIMINARY EXAMINATION TO A "CONFIDENCE TEST" I DID

NOT ENTER INTO A PLEA OF MENTALLY ILL, NOR INCOMPETENT, THERE WAS NO PURPOSE FOR THIS RULING EXCEPT THE JUDGE WANTED ME FOR EXERCISING MY RIGHT TO SELF-REPRESENTATION. SHE SAID "WENT TO MICHIGAN". NOW, THE LAST I HEARD WAS MICHIGAN STILL HAD TO ADHERE TO THE CONSTITUTION OF THE UNITED STATES! IT WAS WRONG TO HAVE DEFENDANT SIT IN THE COUNTY JAIL FOR NO REASON WHEN I WAS READY TO HAVE MY PRELIMINARY EXAMINATION WITHIN THE 10 DAYS AS REQUIRED BY LAW. I WAS DETAINED AND INNOCENT AND HAD MY LIBERTIES TAKEN FROM ME FROM 1/13/09 THROUGH 6/26/09 WITHOUT ANY PRELIMINARY EXAMINATION. JUST TO HAVE MY PRELIMINARY BE BASED ON A TOWNSHIP WARDEN TO HAVE A "COMPETENCY TEST" TO DETERMINE IF I CAN STAND TRIAL, THAT WAS WITHIN TO DO WITH ME REPRESENTING MYSELF. THIS IS AN OUTRIGHT VIOLATION OF MY CONSTITUTIONAL RIGHT TO SELF-REPRESENTATION, PLAIN AND SIMPLE. MCR 6.125 STATES THAT A MOTION RAISING THE ISSUE OF COMPETENCY MUST BE MADE IN WRITING. HOWEVER, ON THE ORIGINALLY SCHEDULED PRELIMINARY EXAMINATION DATE OF JANUARY 20, 2010, WHEN EVERYONE WAS READY TO PROCEED AND I WAS READY TO EXERCISE MY RIGHT TO HAVE THIS SPEEDY TRIAL HEARING, I SAID I WILL BE EXERCISING MY RIGHT TO SELF-REPRESENTATION, THEN THE JUDGE RULED I WOULD BE HELD OVER UNTIL MAY 20, 2009 TO DO A COMPETENCY EXAMINATION. ALL OF THIS TOOK PLACE IN 3 MINUTES. NO ONE, BUT FORCED COUNSEL, NOT THE PROSECUTION, MOORE ROUNDED A MOTION IN WRITING AS MCR 6.125 REQUIRES. YET, I SAT IN THE COUNTY JAIL 6 MONTHS WITHOUT A PRELIMINARY, DUE TO CIRCUMSTANCES OUTSIDE OF MY CONTROL, FOR A CRIME THAT I DID NOT DO, AND I ALSO SIT HERE IN PRISON, SINCE 1/13/09 BECAUSE OF A CRIME THAT I SAY THAT I DID NOT DO AND TELL I AM INNOCENT OF ALL BECAUSE I HAD TO BE SCHEDULED FOR A COMPETENCY EXAMINATION WHEN COUNTY RULE WAS NOT FOLLOWED AND WHEN I WAS MORE COMPETENT TO STAND TRIAL AND REPRESENT MYSELF BETTER THAN ANY COURT APPOINTED LAWYER. IF I WERE NOT IN FACT OF A JUDGE WHO'S RULINGS AND ACTIONS SHOW BIAS AND PREJUDICE TOWARDS THE THIS DEFENDANT AND ONE WHO FAVORS TO THE PROSECUTION WHILE INFRINGING UPON AND TRAMPLING ALL OVER MY CONSTITUTIONAL RIGHT, THEN I WOULD HAVE HAD A FAIR AND TIMELY PRELIMINARY EXAMINATION HEARING AND AN IMPARTIAL HEARING. THIS WAS DENIED THOUGH.

BY THE JUDGE AND PROSECUTOR ALL WORKING AGAINST ME IN CLEAR VIOLATION OF MCR 6.125 AND 6.110, FULL DENIVATION OF MY RIGHTS, I ASK THIS COURT TO RULE THAT DEFENDANT HAS A RIGHT TO PROCEED WITH THE TIMELY PRELIMINARY EXAMINATION AND TO RULE THAT MCR 6.125 AND MCR 6.110 HAVE BEEN VIOLATED CONTINUED TO DEFENDANT RIGHT TO A SPEEDY TRIAL, AND THAT THE CHARGES, CONVICTION, SENTENCE IS VACATED AND DISMISSED WITH PREJUDICE.

#### ISSUE VII:

DEFENDANT STATES THAT THE COURT SHOULD REVERSE THE CONVICTION, SENTENCE AND PLEA BASED UPON THE FACT THAT THE WAYNE COUNTY PROSECUTOR FAILED TO GIVE DEFENDANT AN OPPORTUNITY TO REVIEW ANY AND ALL EVIDENTIARY EVIDENCE AS REQUIRED BY MCR 6.200 (A)(1) IS THAT DEFENDANT WAS NEVER GIVEN THE OPPORTUNITY TO INSPECT TEST OR REVIEW ANY PHYSICAL EVIDENCE OR ANY TRANSCRIPTS DOCUMENTING THE EVIDENCE THAT THE PROSECUTOR'S OFFICE INTENDED TO BRING TO THE TRIAL WHEN THE PROSECUTOR HAD DEFENDANT IN THE WAYNE COUNTY JAIL FOR 11 MONTHS AND HAD MORE THAN ENOUGH TIME TO FULLY REVIEW IT AND BRING IT TO THE ATTENTION OF DEFENDANT AND GIVE DEFENDANT THE OPPORTUNITY TO REVIEW ALL THE EVIDENTIARY EVIDENCE IT HAD. BUT THE WAYNE COUNTY PROSECUTOR'S OFFICE

ASSISTANT PROSECUTOR ELIZABETH VAN HARVE, AND SUZETTE SACHS, BOTH DECIDED THAT THEY WOULD NOT ALLOW ME THE OPPORTUNITY TO HAVE A LIST OF ANY LAY WITNESSES OR ANY EXPERTS THAT IT INTENDED TO CALL, NEVER AT ANYTIME DID THEY EVER ATTEMPT TO PROVIDE ME WITH ANY INFORMATION AS RULES OF DISCOVERY SAY MUST BE DONE, AND THIS ITSELF IS UNLAWFUL AND SHOULD BE PROHIBITED ENOUGH TO HAVE THE CONVICTION, SENTENCE AND CHARGES DISMISSED WITH PREJUDICE BASED UPON THIS COMMON SENSE RIGHT TO DISCOVERY THAT ANY DEFENDANT HAS.

ISSUE VIII: THIS COURT SHOULD VACATE THE SENTENCE, CONVICTION AND CHARGES WITH PREJUDICE AS THAT THE DISTRICT COURT JUDGE MARY MOUNT AND CIRCUIT COURT JUDGE DANIEL D. RYAN BOTH FAILED TO GRANT DEFENDANT'S MOTION FOR POLYGRAPH TESTING TO BE DONE ON DEFENDANT DERRICK LEE SMITH AND BOTH ACCUSERS' TIME AND MONEY. CONSEQUENTLY, THIS WOULD HAVE DETERMINED WHO WAS LYING AND WHO WAS BEING TRUTHFUL REGARDING THIS CRIMINAL CASE BEFORE THE COURT, AND SINCE THIS WAS ONCE AGAIN, ANOTHER DECISION DENIED BY JUDGE RYAN AND SHOWED FAVORITISM TO THE PROSECUTION, IT SHOWED HOW THE JUDGE LACKED IMPARTIALITY AND DENIED ME MY RIGHT TO A FAIR TRIAL AND SHOWED THAT I WOULD NOT HAVE BEEN GIVEN A FAIR TRIAL BECAUSE HE WOULD NOT GRANT THESE SIMPLE MOTIONS. MAKING IT SIMPLE THAT IF I DID NOT ENTER A FORCED PLEA, THAT I WOULD BE TRAPPED BY THIS HORRIBLE JUDGE AND SENTENCED TO PRISON FOR LIFE THE REST OF MY NATURAL LIFE DESPITE THE MANY CONSTITUTIONAL PROBLEMS THAT I CITED AND COUNSEL TO GET THE CRIMINAL CHARGES THROWN OUT. THIS WAS AN OUTRIGHT CONSPIRACY LYING BY JUDGE RYAN AND THE PROSECUTION'S OFFICE WHERE THE JUDGE COULD EVEN GRANT THIS SIMPLE REQUEST TO HAVE EVERYONE PARTICIPATE IN A POLYGRAPH EXAMINATION TO OPEN WHO WAS LYING WHAT IS THE RIGHT IN QUESTION, AND IN GOING SO, DENIED ME A FAIR TRIAL CONTRARY TO THE 6TH AND 14 AMENDMENT TO THE CONSTITUTION.

ISSUE VIII:

THIS CONVICTION, SENTENCE AND CRIMINAL CASE SHOULD BE DISMISSED WITH PREJUDICE AS THAT DEFENDANT, A COMPLETELY INNOCENT AND NOT GUILTY OF THE CRIMES CHARGED, THERE WAS BEEN A FORCED INFRINGEMENT OF MY RIGHT TO THE PROCESS OF LAW AS GUARANTEED BY THE 6TH AMENDMENT TO THE U.S. CONSTITUTION WHERE I WAS A RIGHT TO SPEEDY TRIAL AND WHERE GOD KNOWS I HAVE A RIGHT TO A PROMPT PRELIMINARY EXAMINATION.

ISSUE IX: THE CRIMINAL CONVICTION, SENTENCE AND CHARGES SHOULD BE DISMISSED BASED UPON THE FACT THAT THE CHARGES AND CONVICTION AND SENTENCE VIOLATE THE 5TH AMENDMENT'S BAN ON DOUBLE JEOPARDY SUBJECT FOR THE SAME OFFENSE TWICE WHERE I WAS CHARGED WITH TWO COUNTS OF KIDNAPPING AND CCC. THE CHARGES STATED THAT I WAS COMMITTED THE SAME OFFENSE IN THE SAME MIGHT AND THE SAME INSTANCES. HOWEVER, IN THIS CONVICTION WERE ALLOWED TO STAND, THEN IT SHOWS I WAS TWICE PLACED IN JEOPARDY OF MY LIFE, CONTRARY TO THE 5TH AMENDMENT BECAUSE MY LIFE HAD BEEN TAKEN AWAY FROM ME TO OFFEND THE PROSECUTION'S OFFICE. NOW CAN I BE CHARGED WITH THE SAME CRIME TWICE? THE FACT THAT THE ALLEGED VICTIMS SAY THAT I KIDNAPPED THEM AND FORCED SEX ON THEM AND THE CONVICTION ALLOWED TO STAND PLACED ME IN JEOPARDY OF LOSING MY FREEDOM BASED UPON AN ACTION THAT WAS NOT LEGAL AS THAT I MUST NOT BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE BUT IN JEOPARDY OF MY LIFE. THE CONSTITUTION IS CLEAR, SO I SHOULD BE ALLOWED TO HAVE THE CHARGES

DISMISSED WITH PREJUDICE AND THE CONVICTION AND SENTENCE DISMISSED WITH PREJUDICE BECAUSE I HAVE BEEN TWICE PLACED IN JEOPARDY OF MY LIFE, WHICH HAS BEEN TAKEN AWAY BECAUSE OF THE WAYNE COUNTY PROSECUTOR'S OFFICE BRINGING THESE CHARGES WHEN NOTHING HAS BEEN DONE BY MY PART EXCEPT THAT I AM AN INNOCENT MAN.

#### ISSUE XI:

THE ORIGINAL CONVICTION, CRIMINAL SENTENCE, AND CRIMINAL CHARGES SHOULD BE DISMISSED WITH PREJUDICE IS THAT I CLEARLY ASSERTED MY RIGHT TO HAVE THE PRELIMINARY EXAMINATION WITHIN 14 DAYS OF THE WARRANT BEING ISSUED AND THE RIGHT TO CONFRONT MY ACCUSERS AS GUARANTEED BY THE 5TH--5TH AND 14TH AMENDMENTS TO THE CONSTITUTION. I STATED UNAMBIGUOUSLY THAT I WISHED TO REPRESENT MYSELF ON JANUARY 28, 2008 AND HAVE MY SCHEDULED PRELIMINARY EXAMINATION PROCEED AS THE CONSTITUTION GIVES ME THAT RIGHT. THERE WAS NO ALLEGEMENT BY MY PART NOT ON THE PART OF ANYTHING THAT THE OFFENSE FILED. MCR 6.110(3)(1), STATING THAT THE SEVEN DISTRICT COURT FAILED TO PROVIDE DEFENDANT WITH THE RIGHTFUL PRELIMINARY EXAMINATION WITHIN 14 DAYS OF BEING ARRESTED OR THE CRIMINAL CHARGE. THE ARRAIGNMENT WAS NOT ANSWERED FOR ANY CAUSE. I CLEARLY SAT BY ARRANGEMENT WHICH WELD ON JANUARY 15, 2008. ON JANUARY 28, 2008, I WAS TAKEN FROM THE WAYNE COUNTY JAIL AGAINST MY WILL, IN CHAINS AND HANDCUFFS AND TAKEN TO THE COURT FOR MY PRELIMINARY EXAMINATION. I ASKED TO HAVE MY PRELIMINARY EXAMINATION AND CONFRONT MY ACCUSERS, BUT THIS DID NOT HAPPEN, ON FEBRUARY 20, 2008, I STILL HAD NOT HAD MY PRELIMINARY EXAMINATION. THE NEXT PRELIMINARY EXAMINATION DATE WAS SCHEDULED FOR MAY 20, 2008, A 4 MONTH DELAY. AT THAT TIME AFTER THE ARRAIGNMENT, THERE WAS AND IS STILL A VIOLATION OF MCLA 766.7; MCR 6.110(3) WHICH STATES THE CLEAR FOLLOWING LANGUAGE:

"THE PRELIMINARY EXAMINATION MUST BE HELD WITHIN 14 DAYS OF ARREST OR THE WARRANT, UNLESS THE ARRAIGNMENT IS ANSWERED FOR ANY CAUSE, OR THE CASE MUST BE DISMISSED. SEE MCLA 766.7; MCR 6.110(3)(1), PEOPLE V. WESTON, 413 NICH. 371, 319 N.W.2d 537 (1982)."

THE COURT OF APPEALS AND THE SUPREME COURT'S DECISION IS CLEAR. I DID NOT HAVE MY PRELIMINARY EXAMINATION WITHIN 14 DAYS OF THE DATE OF ARREST OR THE WARRANT, THEREFORE, THE CASE MUST BE DISMISSED, UNAMBIGUOUSLY, AND NOT HAVE IT BROUGHT UP AGAIN AND PROSECUTED, BUT DISMISSED WITH PREJUDICE. I ASSERTED MY RIGHTS UNAMBIGUOUSLY, AND ASSENTED MY RIGHT TO SPEEDY TRIAL. THIS WAS VIOLATED BY MY NOT HAVING THE PRELIMINARY EXAMINATION UNTIL 2/20/08. THIS ISSUE WAS NOT RAISED BY THE PROSECUTOR BECAUSE THE ALER WAS ONLY 2008 TO GET OUT OF THE COUNTY JAIL. IT WAS NOT AN ADMISSION OF GUILT. NO CONTEST WAS THE ALER AND WAS NOT AN ADMISSION OF GUILT SO IF I EVER ADMITTED GUILT, YOU CAN I HAVE MY RIGHTS TO A SPEEDY TRIAL?? THIS IS A CONFLICT AND EQUAL PROTECTION RIGHTS VIOLATION AND DENIAL OF MY RIGHT TO SPEEDY TRIAL. I WAS ENTITLED TO HAVE THE PRELIMINARY EXAMINATION WITHIN 14 DAYS OF THE DATE OF THE ARREST OR THE WARRANT, THIS WAS NOT DONE. AND AS SUCH, THE CASE SHOULD BE DISMISSED WITH PREJUDICE BECAUSE OF THE ILLEGAL AND UNLAWFUL ERROR DENIAL OF MY RIGHTS TO A SPEEDY TRIAL AND RIGHT TO SPEEDY TRIAL. EITHER A DEFENDANT HAS THE RIGHT TO SPEEDY TRIAL OR NOT, AND SINCE IT WAS OF NO USE TO ME, THERE IS NOTHING THAT CAN BE USED TO SHOW THAT I ASKED FOR A WAIVER OF MY SPEEDY TRIAL RIGHT TO PRELIMINARY EXAMINATION, I ASKED FOR MY RIGHT AND THIS WAS DENIED, THROUGH NO CONTROL OF ME, CONTRARY TO MY SPEEDY TRIAL RIGHTS

WITH NO GOOD CAUSE BEING SHOWN AND CONTRARY TO THE COURTS RULING IN PEOPLE V. WESTON, AND THEREFORE, THE CASE SHOULD BE DISMISSED WITH PREJUDICE AND NOT BE BROUGHT UP AGAIN FOR ANY CONSTITUTIONAL RIGHTS BEING VIOLATED AND BY RIGHT TO A FAIR AND SPEEDY TRIAL BEING VIOLATED. PLEASE VACATE THE CONVICTION, SENTENCE, AND CHARGES WITH PREJUDICE BASED UPON A SPEEDY TRIAL RIGHTS VIOLATION.

XII:

THE COURT SHOULD VACATE THE CONVICTION, SENTENCE AND CRIMINAL CASE WITH PREJUDICE WHERE DISTRICT JUDGE CYLINTHIA LATOYE MILLER OF 8TH DISTRICT COURT FAILED TO ENTER A RULING ON THE MOTION TO DISMISS ALL CRIMINAL CHARGES AGAINST DEFENDANT BASED ON COMPLAINANTS TESTIMONY BEING FALSE AND PERJURIOUS AS THAT IT WAS NOT TRUE, WHEN IN FACT THE COURT HAD FULL AUTHORITY TO GRANT THIS MOTION AS THAT IT WAS FAILED IN THE SAME DISTRICT COURT WHERE THE TESTIMONY OF THE COMPLAINANTS WAS USED TO BRING THE CRIMINAL CHARGES AGAINST DEFENDANT, THIS COURT HAD THE FULL AUTHORITY TO GRANT THIS MOTION AND RULE UPON THE ISSUES CONTAINED THEREIN AND FAILED TO MAKE A JUDICIAL DECISION. THIS 8TH DISTRICT COURT HAD ENOUGH EVIDENCE TO GRANT THE WAYNE COUNTY PROSECUTOR'S OFFICE'S MOTION TO "LIE" BE OVER ON THE COMPLAINANTS TESTIMONY AND HAD FULL AUTHORITY TO DISMISS THE CHARGES IF ANY WITNESSES TESTIMONY THAT IS CREDIBLE AND PROVES THAT THE TESTIMONY USED TO GET THE WARRANT AND GIVE A SUMMONS AND CONVICTION AND SENTENCE WAS BASED ON FALSE AND PERJURIOUS AND SHOULD HAVE BEEN ALLOWED AND RULED UPON ON THE MERITS OF THE TESTIMONY OF DEFENDANTS WITNESS, BUT WAS NOT DONE AND AS SUCH, RESULTED IN A CONSTITUTIONALLY INVALID DECISION-MAKING PROCESS WHICH DENIED DEFENDANTS THE CONSTITUTIONALLY PROTECTED RIGHTS AFFORDED DEFENDANT IN THE 4TH, 5TH, 6TH AND 14TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF MICHIGAN WHERE TESTIMONY WAS TAKEN FROM ALLEGED CREDIBLE WITNESSES TO BRING ME TO COURT FOR PROSECUTION AND YET, THIS SAME TESTIMONY FOR BY CREDIBLE WITNESS WAS NOT ALLOWED, INTERFERING UPON MY CONSTITUTIONAL RIGHTS TO FAIR HEARINGS IN A COURT OF LAW.

XIII:

THE COURT SHOULD VACATE THE PLEA AS THAT IT WAS OBTAINED CONTRARY TO MCR 9.302 WHERE THE ONLY REASON I ENTERED THE NO CONTEST PLEA WAS FOR THE PURPOSE OF GETTING OUT OF THE WAYNE COUNTY JAIL AND THE HORRIBLE LIVING CONDITIONS AND ALSO THE CONTINUED MENTAL ABUSE THAT I WAS BEING SUBJECT TO AND BEING PLACED AS VICTIM OF BY THE WAYNE COUNTY JAIL STAFF THROUGH THE SLEEP DEPRIVATION THAT I WAS SUFFERING. I ALSO STATE THAT I OBJECTED CLEARLY TO THE PROGNOSIS USED TO STATE THAT I WAS A HABITUAL OFFENDER AND THE SCENING THAT WAS USED TO SAY THAT I WAS SCORED AGAIN ON FACTORS THAT WERE ALREADY CONSIDERED BY THE SENTENCING COURT ON MY PRIOR CONVICTIONS AND HAD THE SAME FACTORS AND CIRCUMSTANCES OF A CRIME USED TO CONVICT ME AGAIN BY THE SENTENCING COURT CONTRARY TO MICHIGAN INDETERMINATE SENTENCING SCHEME, WHEN A COURT USE FACTORS AND NATURE AND CIRCUMSTANCES OF AN OFFENSE THAT HAS ALREADY USED AND CONSIDERED BY A SENTENCING COURT TO IMPOSE A PLEA SENTENCE IN A PRIOR CONVICTION CASE, IT VIOLATES THE INDETERMINATE SENTENCING SCHEME AS THAT IT RESENTENCES A DEFENDANT ON THOSE SAME FACTORS THAT DEFENDANT HAS ALREADY BEEN SENTENCED ON AS THAT IT VIOLATES THE WHOLE JEOPARDY PROVISIONS OF THE INDETERMINATE SCHEME WHERE THE COURT USED INFORMATION TO SENTENCE DEFENDANT ON THAT WAS NOT

MOVED TO A JURY BEYOND A REASONABLE DOUBT AND WHERE, AT THE FORCE PLEA PROCEEDINGS, THIS DEFENDANT IS CLEARLY ON RECORD AS SAYING THAT I AM INNOCENT OF THOSE PRIOR CONVICTIONS AND CRIMES AND ALSO WHERE I STATED AT SENTENCING THAT I AM ONLY PLEADING FOR THE PURPOSE OF SENTENCE AND NOT CONVICTION AND NOT BECAUSE I WAS GUILTY, THIS IS THE WHOLE PURPOSE OF THE NO CONTEST PLEA THAT WAS DONE BY THIS DEFENDANT. THIS IS A CONSTITUTIONAL ISSUE THAT I WAS FORCED TO ENTER A PLEA AND THAT AS I WAS ENTERING THE PLEA, I CLEARLY SAID THAT I AM ENTERING THIS PLEA, NOT BECAUSE I WAS GUILTY, BUT BECAUSE I WANTED TO GET OUT OF THE COUNTY JAIL AND NOT BE SENT UP IN A COURT WHERE I CAN NOT POSSIBLY WIN. THIS WAS ALL SAID IN COURT AND IN TRANSCRIPT OF THE RECORD. THIS COURT WAS RELIEVED AN INNOCENT MAN FORCED INTO A PLEA BY THE HORRIBLE LIVING CONVICTIONS THAT TOOK PLACE IN THE WAYNE COUNTY JAIL AND SHOULD BE REVIEWED BEING AN CONSTITUTIONAL ISSUE IN ACCORDANCE WITH PEOPLE V. HILL, 157 MI 106, 101; 347 P2D 70(1905), AND IT WAS CORRECTED TO GIVE THE ERROR IS CLEAR AS DEMONSTRATED BY BLACKLY V. WASHINGTON, 542 US 366, 124 S Ct 2531; 170 LEXIS483(2000). I WAS NOT SENTENCED ON A VALID PLEA OR VALID FACTS AND WITH NO FACTUAL BASIS. THE TRIAL COURT CLEARLY HEARD ME OBJECT TO THE ENTIRE PLEA PROCESS AND THE ENTIRE SENTENCE PROCESS.

AND YET, IT STILL UPHOLD THE SENTENCE AND CONVICTION THAT TOOK PLACE IN THE COURT RESULTING IN THIS DEFENDANT BEING PLACED IN THE CUSTODY OF THE MICHIGAN DEPARTMENT OF CORRECTIONS FOR 25 YEARS TO 75 YEARS, CONTRARY TO MY CONSTITUTIONALLY PROTECTED RIGHTS.

#### ISSUE XIV:

THE T COUNTY COURT SHOULD VACATE THE CONVICTION AND SENTENCE AND ENTIRE CRIMINAL CASE BASED ON THE MICHIGAN COURT OF APPEALS ENTERING AN ORDER OF DENIAL OF APPLICATION FOR LEAVE TO APPEAL FOR LACK OF MERITS IN THE GROUND PRESENTED WITHOUT EVER CONSIDERING THE DEFENDANTS' RIGHTFUL REQUEST TO FILE AN IN PRO PER SUPPLEMENTAL BRIEF UNDER STANDARD 9 QUINCY WHERE APPEAL COUNSEL FILED HIS APPLICATION FOR LEAVE TO APPEAL CONTAINING 2 ISSUES, JAIL CREDIT AND COURT COSTS. THIS LET DEFENDANT TO EXERCISE THE IN PRO PER SUPPLEMENTAL BRIEF FILING WITHIN 30 DAYS. HOWEVER, PRIOR TO THE 30 DAY TIME LIMIT, DEFENDANT FILED A MOTION FOR EXTENSION OF THE 30 DAY DEADLINE FILING BASED UPON GOOD CAUSE BEING SHOWN. THE GOOD CAUSE WAS THAT THE WAYNE COUNTY CIRCUIT COURT JUDGE DANIEL BYAL DENIED DEFENDANT OR DEFENSE COUNSEL LAWRENCE BUNTING WITH CATHICAL TRANSCRIPT FROM AUGUST 12, 2009 AND AUGUST 23, 2009 MOTION HEARING IN WHICH JUDGE DANIEL BYAL PRESIDED OVER AN UNLAWFUL MOTION FILED BY DEFENDANT OR DEFENSE COUNSEL. THESE MOTIONS WERE FILED BY DEFENDANT WHO WAS REPRESENTING HIMSELF AT THE TIME, AND DESPITE BEING REQUESTED BY COURT APPOINTED APPEAL COUNSEL 4 TIMES AND URGENT DEFENDANT'S TIMES UNDER FOR CLARE C APP SENT AND RECEIVED BY COUNSEL BY COURT COUNSEL. THESE TRANSCRIPTS WERE NEVER PRESENTED, MAKING IT IMPOSSIBLE FOR DEFENDANT DERRICK LEE SMITH TO FILE HIS TIMELY SUPPLEMENTAL IN PRO PER BRIEF ON ISSUES THAT THE COURT APPOINTED COUNSEL FAILED TO RAISE JUSTIFYING THE GOOD CAUSE SHOWING FOR AN EXTENSION OF TIME MOTION BEING FILED BY DEFENDANT AND BEING ISSUED BY THE COURT OF APPEALS.

HOWEVER, THIS DID NOT HAPPEN. INSTEAD, NAJMA J. MATSON, DISTRICT CLERK OF THE COURT OF APPEALS LINDS OFFICE DID NOT FILE THE DEFENDANT



MOTION FOR EXTENSION OF TIME TO EXTEND THE 90 DAY DEADLINE TO FILE SUPPLEMENTAL BRIEF IN PRO PER, IT SENT THE DEFENDANT'S MOTION TO COUNSEL LAWRENCE MURPHY, STATING THAT IT MUST COME FROM HIS OFFICE AND NOT DEFENDANT. WHILE DEFENSE COUNSEL WAS FILING SAID MOTION FOR EXTENSION OF TIME, THE COURT OF APPEALS PANEL ISSUED ITS ORDER OF DENIAL OF DEFENDANT'S APPLICATION FOR LEAVE TO APPEAL IN ONLY TWO ISSUES THAT WERE RAISED AND WERE RAISED BY APPEAL COUNSEL DEALING WITH JAIL CREDIT AND COURT COSTS, WHEN IN FACT, THIS IS A CAPITAL CRIME AND THERE WERE OTHER MULTIPLE CONSTITUTIONAL ERRORS THAT SHOULD HAVE BEEN RAISED AND WOULD HAVE BEEN RAISED BY DEFENDANT BUT WAS NOT ABLE TO BE RAISED DUE TO TRIAL COUNSEL NOT PROVIDING DEFENDANT WITH THE TRANSCRIPTS FROM SAID HEARING AND IN GOING SO DID ISSUE AN ORDER OF DENIAL OF APPLICATION FOR LEAVE TO APPEAL WHEN IT WAS CLEAR ON THE RECORD THAT DEFENDANT WANTED TO FILE AN IN PRO PER BRIEF ON APPEAL AND DID FILE THE APPROPRIATE MOTION WITH THE APPROPRIATE COURT CAUSE JUSTIFICATION TO ISSUE SAID EXTENSION OF TIME IN A CASE WHERE AN INNOCENT MAN IS INCARCERATED. AS SUCH, THIS COURT SHOULD VACATE THE CONVICTION AND SENTENCE AND ALL CONSTITUTIONAL CHARGES, OR IN THE LATTER, CONSIDER AN DEMAND OF THE COURTS ORDER OF DENIAL OF APPLICATION FOR LEAVE TO APPEAL AND ISSUE A DEADLINE TO REFILE THE DEFENDANTS IN PRO PER SUPPLEMENTAL BRIEF ON APPEAL TO THE COURT OF APPEALS AND ORDER THE WAYNE COUNTY CIRCUIT COURT TO PROVIDE DEFENDANT WITH THE TRANSCRIPTS FROM SAID CRITICAL HEARING IN ORDER TO PRO SEC, AND ALSO TO RULE UPON ANY OTHER GROUNDS THIS COURT DEEMS NECESSARY AND APPROPRIATE AND GRANT THIS writ OF HABEAS CORPUS.

THIS COURT HAS THE FULL AUTHORITY TO CONSIDER ANY COMPLAINT/PETITION FOR WRIT OF HABEAS CORPUS UNDER MICHIGAN COURT RULE 5.303... ALTHOUGH THIS STATUTE PROHIBITS THE USE OF A WRIT OF A HABEAS CORPUS COMPLAINT AS A COLLATERAL ATTACK ON AN UNDERLYING CRIMINAL CONVICTION, MCL 900.2310.

PLAINTIFFS DESBICK LEE SMITH STATES THAT THIS IS IN NO WAY PLAINTIFF ATTEMPTING TO USE OR SUBMITTING THIS PETITION FOR WRIT OF HABEAS CORPUS TO CHALLENGE THE VALIDITY OF THE COURT CONVICTION OF THE WAYNE COUNTY CIRCUIT COURT.

SHOULD THE COURT REVIEW ALL THE MATERIAL DESCRIBED AND SUBMITTED BY PLAINTIFF, THE COURT WILL SEE THAT IT IS THE PLAINTIFFS CONTENTION THAT PLAINTIFF IS IN NO WAY USING THE WRIT OF HABEAS CORPUS FOR APPELLATE REVIEW OF UNDERLYING CRIMINAL CONVICTIONS RESULTING IN PLAINTIFFS INCARCERATION. PLAINTIFF IS NOT SEEKING TO HAVE THE COURT REVIEW THIS CASE AS A CASE ATTACKING A JUDGMENT OF CONVICTION OR SENTENCE AND STATES THAT IT IS NOT ATTACKING A JUDGMENT OF SENTENCE, NOR IS IS A COLLATERAL ATTACK ON THE REASONS FOR PLAINTIFF BEING CONVICTED IN WAYNE COUNTY AND IS NOT PRESENTING THIS PETITION FOR WRIT OF HABEAS CORPUS AS A MEANS TO BE TO USE THIS COURT AS AS SUBSTITUTE COURT WITH APPELLATE JURISDICTION, BECAUSE THIS COURT DOES NOT HAVE APPELLATE JURISDICTION TO REVIEW THE ATTACK ON AN UNDERLYING CONVICTION AND THEREFORE THIS SHOULD NOT BE VIEWED AS SUCH, IT SHOULD BE VIEWED AS THE COURT HAVING IN IT'S JURISDICTION AS OBTAINED BY MICHIGAN COURT RULE 5.303 AND MCL 900.2310 OF INCARCERATED PERSON WHO IS SERVING ON A SENTENCE THAT IS NULL AND VOID AND WITHOUT ANY



JURISDICTION TO ISSUE THE JUDICIAL ORDER FOR WHICH PLAINTIFF IS BEING  
HOUSED IN THE JURISDICTION OF THIS COURT.

THE COURT HAS FULL AUTHORITY TO ORDER PLAINTIFF TO BE RELEASED IF IT  
FINDS THAT PLAINTIFF IS INCARCERATED ILLEGALLY AND WITHOUT ANY VALID  
ORDER OR AUTHORITY. PLAINTIFF STATES THAT HE IS BEING HELD IN VIOLATION  
OF THE LAWS OF THE UNITED STATES WHERE THE GROUNDS PRESENTED WITHIN  
THIS ACTION ARE THE VERY GROUNDS FOR WHICH PLAINTIFF IS BEING HELD  
CONTRARY TO LAW AND IN VIOLATION OF PLAINTIFFS RIGHTS, WITH NO  
AUTHORITY OF THE JUDICIAL OFFICER IMPOSING SAID ORDER TO ILLEGALLY  
HOUSE PLAINTIFF.

PLAINTIFF REQUESTS THAT THIS COURT ISSUE AN ORDER BASED ON THE GROUNDS  
PRESENTED TO SHOW THAT THE ORDER DIRECTING PLAINTIFF TO BE HELD IN THE  
JURISDICTION OF THIS HONORABLE COURT.

THE COURT SHOULD FULLY REVIEW THE GROUNDS PRESENTED AS GROUNDS FOR  
ISSUING A WRIT OF HABEAS CORPUS, NOT ON THE GROUNDS THAT PLAINTIFF IS  
ATTACKING HIS UNDERLYING CRIMINAL CONVICTIONS. PLAINTIFF IS RAISING  
THIS ACTION IN THE COURT BASED UPON THE COURT LACKING OF ITS  
JURISDICTION. A PRISONER'S HELD ILLEGALLY AND THE GROUNDS SUPPORTING  
THAT ILLEGAL DETENTION AND VIOLATION JUDICIAL ORDER OF JUDGE DAVID P.  
RYAN OF THE NINTH JUDICIAL CIRCUIT COURT FOR WAYNE COUNTY, AND BECAUSE  
THIS COURT IS THE COUNTY IN WHICH THE PLAINTIFF IS HELD ILLEGALLY AND  
WITHOUT ANY VALID ORDER OR ORDER OF JUDICIALLY SOUND AND FULLY VALID  
ORDER OF JUDGMENT DENYING PLAINTIFFS HIS LIBERTIES AND HIS RIGHTS AS  
SECURED BY THE 5TH, 14TH, AND 20TH AMENDMENT TO THE CONSTITUTIONS OF  
THE UNITED STATES OF AMERICA.

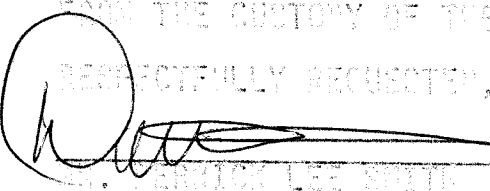
PLAINTIFF STATES THAT THIS IS A DIRECT ATTACK ON PLAINTIFF BEING HELD  
ILLEGALLY AND IS NOT AN ATTACK ON THE CONVICTIONS NOR AN APPEAL.  
HOWEVER, THE CONSTITUTIONAL ARGUMENTS PRESENTED BY PLAINTIFF SHOULD BE  
VIEWED AS A DIRECT CHALLENGE TO THE VALIDITY OF THE DETENTION HOLDING  
PLAINTIFF BASED ON THE GROUNDS CONTAINED WITHIN.

AS SUCH, PLAINTIFF ASKS THAT THIS COURT ENTER AN ORDER TO GRANT THE  
PETITION FOR WRIT OF HABEAS CORPUS AND THE RELIEF BEING REQUESTED  
WITHIN IT.

AND GRANT ANY FURTHER RELIEF THIS COURT DEEMS NECESSARY AND  
APPROPRIATE.

WHEREFORE, GRANT WRIT OF HABEAS CORPUS AND GRANT RELEASE OF PLAINTIFF  
FROM THE CUSTODY OF THE MICHIGAN DEPARTMENT OF CORRECTIONS.

RESPECTFULLY REQUESTED,

  
ERICK LEE SMITH  
#267000-3-1072  
JRP SE PLAINTIFF  
ST. LOUIS CORRECTIONAL FACILITY  
2645 N. CROSBY ROAD  
ST. LOUIS, MI 42680

**CIVIL COVER SHEET FOR PRISONER CASES**

<b>Case No.</b> 10-11052		<b>Judge:</b> John Corbett O'Meara	<b>Magistrate Judge:</b> Paul J. Komives
<b>Name of 1<sup>st</sup> Listed Plaintiff/Petitioner:</b> Derrick Smith		<b>Name of 1<sup>st</sup> Listed Defendant/Respondent:</b> Nick Ludwick	
<b>Inmate Number:</b> 267009		<b>Additional Information:</b>	
<b>Plaintiff/Petitioner's Attorney and Address Information:</b>			
<b>Correctional Facility:</b> St. Louis Correctional Facility 8585 N. Croswell Road St. Louis, MI 48880 GRATIOT COUNTY			

**BASIS OF JURISDICTION**

- ☐ 2 U.S. Government Defendant  
☒ 3 Federal Question

**ORIGIN**

- ☒ 1 Original Proceeding  
☐ 5 Transferred from Another District Court  
☐ Other:

**NATURE OF SUIT**

- ☒ 530 Habeas Corpus  
☐ 540 Mandamus  
☐ 550 Civil Rights  
☐ 555 Prison Conditions

**FEE STATUS**

- ☐ IFP *In Forma Pauperis*  
☒ PD Paid

**PURSUANT TO LOCAL RULE 83.11****1. Is this a case that has been previously dismissed?**

- ☐ Yes ☐ No

> If yes, give the following information:

Court: \_\_\_\_\_

Case No: \_\_\_\_\_

Judge: \_\_\_\_\_

**2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)**

- ☐ Yes ☐ No

> If yes, give the following information:

Court: \_\_\_\_\_

Case No: \_\_\_\_\_

Judge: \_\_\_\_\_